

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

CLYDE ISOM

PLAINTIFF

v.

No. 3:07CV17-M-A

THE GEO GROUP, INC., ET AL.

DEFENDANTS

MEMORANDUM OPINION

The court, *sua sponte*, considers this *pro se* prisoner case filed under 42 U.S.C. § 1983 for dismissal. A chemical sprayer the plaintiff wore as a backpack during his prison job leaked on the plaintiff's back, causing a chemical burn there. Upon discovering that the chemical had leaked on the plaintiff's back, the defendants ordered the plaintiff to take a shower. He complied, but his back still hurt. When he told the defendants that his back was still hurting, they immediately sent him to medical, where he was treated for a chemical burn. The plaintiff's back healed after several weeks of treatment. The plaintiff claims that various prison officials were negligent in providing him with a faulty chemical spray tank.

The plaintiff's claims sound wholly in negligence, and negligent conduct by prison officials does not rise to the level of a constitutional violation. *Daniels v. Williams*, 474 U.S. 327, 106 S.Ct. 662 (1986), *Davidson v. Cannon*, 474 U.S. 344, 106 S.Ct. 668 (1986). For this reason, all of the plaintiff's claims should be dismissed for failure to state a claim upon which relief could be granted, counting as a "strike" under 28 U.S.C. § 1915(e)(2)(B)(ii).

SO ORDERED, this the 28th day of March, 2007.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE